

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14381 of 2022

Arising Out of PS. Case No.-771 Year-2021 Thana- BANKA District- Banka

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Sudin Choudhary Son of Kishori Choudhary @ Keshori Choudhary Resident
of Village - Kakana, Police Station - Banka, District - Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 01-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Banka
P.S. Case No.771 of 2021 registered for the offence under
Section 302 read with 34 of the Indian Penal Code.

As per the allegation, the informant's son aged about
13 years went missing from the informant's house and thereafter
search was made to find out the victim and during that course
the dead body of the victim was found in a well and the body
was fished-out from the well and the informant suspected this
petitioner and co-accused persons to be involved in the murder



of his son.

The main submissions advanced by the learned counsel Mr. Ajay Mukherjee for the petitioner are that against the petitioner there is no specific allegation in the FIR, the informant mainly raised suspicion against the accused persons including the petitioner on account of previous enmity running between both the parties and he referred to Banka P.S. Case No. 304 of 2020 in the FIR but the petitioner had not been made accused in the said case and he has clean antecedent and there is no eye witness of the alleged murder and during the course of investigation the witnesses examined simply raised suspicion against the accused persons including the petitioner being involved in the murder of the informant's son and the petitioner has been languishing in jail since 20.10.2021.

Learned APP Mr. Jitendra Kumar Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR of this case. The present case is mainly based on suspicion raised by the informant against the accused persons including the petitioner on account of previous enmity running in between both the parties and during the course of investigation any of the witnesses examined by the investigating officer has not claimed



to have seen the accused persons including the petitioner killing and pushing the victim into a well and the case diary goes to show that the investigation has been completed in respect of the petitioner. Any specific allegation is not found against the petitioner. Considering these facts as well as the above submissions, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Banka P.S. Case No.771 of 2021.

(Shailendra Singh, J.)

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